

REMARKS

An Office Action was mailed on November 20, 2003. Claims 1 – 8 are currently pending in the application. With this response, Applicants amend claims 1 and 5. No new matter is introduced.

REJECTION UNDER 35 U.S.C. §§ 102, 103

Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,752,244 to Rose et al. Claims 2 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose in view of U.S. Patent No. 5,941,947 to Brown et al. Claims 3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose in view of Brown and U.S. Patent No. 6,219,701 to Hirata et al. Claims 4 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose in view Brown and U.S. Patent No. 6,473,401 to Kong. Applicants amend claims 1 and 5, and respectfully traverse this rejection.

In independent claims 1 and 5, Applicants respectively disclose a server system and a program product for operating the server system to accept a user request for reading a file. The server system provides a web site for accepting a request for reading a file issued from a terminal of a user via a network to read out said requested file, and for transferring the file to said terminal of the user. The server includes: a) identification information accepting means for prompting a user to enter his/her identification information and for accepting the entered user identification information when the user requests access to the web site, b) identification information storage means for storing therein the accepted user identification information for a predetermined time period, and c) classification means for classifying the user specified based on the accepted identification information into any one of predetermined plural groups in

accordance with a counting result obtained by counting a number of the identification information stored in the identification information storage means, which is agreed with the identification information of the user accepted by the identification information accepting means.

Rose discloses a computerized multimedia asset management system for managing assets that can be checked out by users (see, e.g., abstract of Rose). The Examiner points out that the system of Rose provides a count of the number of times that an asset has been checked out for use (see, e.g., column 10, lines 2 – 6 of Rose), and means for classifying users by groups (see, e.g., column 7, lines 61 and 62). Rose neither discloses nor suggests any relationship between the means for counting asset use and the means for classifying users (for example, Rose does not disclose or suggest tracking asset usage by individual users, or disclose or suggest staff classifications based on asset usage).

In sharp contrast, Applicants' claimed invention is based on "a classification process for classifying the user specified based on the accepted identification information into any one of predetermined plural groups in accordance with a counting result obtained by counting a number of the identification information stored in the identification information storage means, which is agreed with the identification information of the user accepted by the identification information accepting means". In other words, Applicants' claimed invention requires a relationship established between the means for counting asset use and the means for classifying users. By classifying users according to a frequency or volume of access use, for example, Applicants invention provides a means for load balancing resources required to log individual access requests to the server on an individual user basis (see, e.g., page 3, lines 1 – 9 and page 4, lines 5 – 12 of Applicants' specification).


Accordingly, Applicants respectfully submit that independent claims 1 and 5 are not anticipated by Rose, and are therefore allowable. As claims 2 - 4 and 6 - 8 depend from allowable claims 1 and 5, Applicants further submit that claims 2 - 4 and 6 - 8 are allowable for at least this reason.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 - 8, consisting of independent claims independent claims 1 and 5 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, NY 10022-2585
(212) 940-8729
Docket No: SCET 18.698(100809-16254)
TJB:pm